

RD AN No. 4200 (1980-D)
July 26, 2006

TO: All State Directors
Rural Development

ATTENTION: Rural Housing Program Directors,
Guaranteed Rural Housing Coordinators,
Community Development Managers, and
Rural Development Managers

FROM: Russell T. Davis (*Signed by James C. Alsop*)
Administrator
Housing and Community Facilities Programs

SUBJECT: Eligibility of Non-U.S. Citizens for Single Family Housing Guaranteed Loan
Program Assistance and the Systematic Alien Verification for Entitlements
Program

PURPOSE/INTENDED OUTCOME:

This Administrative Notice (AN) is intended to furnish guidance concerning access to the Systematic Alien Verification for Entitlements (SAVE) Program database maintained by the Department of Homeland Security (DHS) Citizenship and Immigration Services (CIS). SAVE may assist in determining whether non-U.S. citizens are qualified to receive Federal assistance. This AN also describes what documentation non-U.S. citizens must supply when SAVE does not achieve a determination, in order to be considered for a loan note guarantee under the Single Family Housing Guaranteed Loan Program (SFHGLP).

COMPARISON WITH PREVIOUS AN:

This AN revises and replaces RD AN No. 4149 which was dated March 10, 2006. It differs from the previous AN in that it describes Agency use of SAVE to verify whether non-U.S. citizens may receive Federal assistance under the SFHGLP. This AN also differs from the previous AN in that introduces information concerning Native Americans crossing the border from Canada under the Jay Treaty.

EXPIRATION DATE:
July 31, 2007

FILING INSTRUCTIONS:
Preceding RD Instruction 1980-D

BACKGROUND:

The Housing and Community Facilities Programs have entered into an “Interagency Agreement” with the CIS. This agreement enables Housing and Community Facilities Program staff to obtain online immigration status information to assist in determining a non-citizen applicant’s program eligibility. In most cases, SAVE will provide immediate responses concerning the immigration status of an applicant. This program is available to all Housing and Community Facilities Programs.

RD Instruction 1980-D, section 1980.346(c), limits eligibility for individuals who receive a loan note guarantee under the SFHGLP to those who:

reside as a citizen in any of the 50 States, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Marianas, Federated States of Micronesia, and the Republics of the Marshall Islands and Palau, or a noncitizen who resides in one of the foregoing areas after being legally admitted to the U.S. for permanent residence or on indefinite parole.

The term “indefinite parole” is no longer a term used by the CIS, formerly known as the Immigration and Naturalization Service (INS). Instead, under Section 401 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (8 U.S.C. Section 1611) lenders and the Agency must determine whether the applicant for a guaranteed loan is a U.S. citizen, a U.S. non-citizen national, or a “qualified alien.”

Generally, a U.S. non-citizen national is a person born in American Samoa or Swains Island or after the date the U.S. acquired American Samoa or Swains Island, or a person whose parents are U.S. non-citizen nationals. Typical evidence of the relatively uncommon status as a non-citizen national includes a birth certificate or passport, and persons who are non-citizen nationals are eligible for consideration under the SFHGLP.

A “qualified alien” is defined under PRWORA (8 U.S.C. Section 1641) as:

- 1) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act;
- 2) an alien who is granted asylum under section 208 of such Act;
- 3) a refugee who is admitted to the United States under section 207 of such Act;
- 4) an alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year;
- 5) an alien whose deportation is being withheld under section 243(h) of such Act; or
- 6) an alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980;
- 7) an alien who is a Cuban/Haitian Entrant as defined by section 501(e) of the Refugee Education Assistance Act of 1980; or
- 8) An alien who has been battered or subjected to extreme cruelty under section 431 of the Immigration and Nationality Act (INA).

Native Americans born in Canada also may be considered as lawfully admitted for permanent residence under RD Instruction 1980-D, section 1980.346. Please refer to the documentation section below.

The Department of Housing and Urban Development (HUD) will insure loans to non-permanent resident aliens provided that the borrower occupies the property as a residence, has a social security number, and is eligible to work in the United States. Despite HUD's operating policy in this regard, the USDA Office of the General Counsel has determined that the SFHGLP may not permit loans to be guaranteed unless the non-permanent alien is deemed to be a qualified alien.

IMPLEMENTATION RESPONSIBILITIES:

Lenders must secure proof of identity and evidence that non-citizens who apply for a guaranteed loan are qualified aliens. The evidence confirming qualified alien status may be obtained after the lender has received an application for credit from the potential borrower. The lender should obtain the documentation described below. Alternately, the lender may obtain the non-citizen's alien identification number and communicate it to the Agency office servicing their area. Agency staff will then submit the alien's identification number to SAVE and, in most cases, will be able to promptly inform the lender of the applicant's eligibility status based on the aliens Class of Admission (COA).

Selected Agency personnel will be supplied a user name and password to access the SAVE website. Each State Office should submit the name, telephone number, and address of one person who will administer user access to SAVE for the State by email to Dave Chaput at david.chaput@wdc.usda.gov. The person will then be given "supervisor" access and will be able to establish other SAVE supervisors and users within their State Office jurisdiction.

U.S. Citizenship and Immigration Services
Verification Information System Logon

You have been successfully logged out.

Please login:

User ID:

Password:

Login Reset

* = required entry

WARNING - This system is for the use of authorized users only. Individuals using this computer system without authority, or in excess of their authority, are subject to having all of their activities on this system monitored and recorded by system personnel. In the course of monitoring individuals improperly using this system, or in the course of system maintenance, the activities of authorized users may also be monitored. Anyone using this system expressly consents to such monitoring and is advised that if such monitoring reveals possible evidence of criminal activity, system personnel may provide the evidence of such monitoring to law enforcement officials.

This AN is not a tutorial or a user guide. Agency staff must complete the SAVE tutorial section once logged on and prior to using the system. After the tutorial is completed, the employee will be able to enter the applicant's alien identification number (9 digits) into the "Alien Number" field, select the program for which the alien is seeking a benefit, and submit the information for processing.

U.S. Citizenship and Immigration Services
WEB-1 Initial Verification

On-Line Resources | Tutorial | Return to Home | About | Exit

Case Administration
Initial Verification
Additional Verification
View Cases
User Administration
Change Password
Change Profile
Reports
View Reports

Enter Initial Verification Information

Alien Number: *

Benefits: *

(select one or more)

- USDA Housing Grants
- USDA Housing Loans
- USDA Loan Guarantees
- USDA Rent Assistance

Submit Initial Verification Cancel

* = required entry

Agency personnel should enter the Alien Number and select which benefit the alien is applying for.

The system will normally respond within seconds of the applicant's eligibility and a Class of Admission (COA) code. In some cases SAVE will also give a "System Response" indicating the alien's status, however in most cases the Agency should rely on the COA code.

U.S. Citizenship and Immigration Services
WEB-1 Case Details

On-Line Resources | Tutorial | Return to Home | Case Verification Number: 20

Case Administration
Initial Verification
Additional Verification
View Cases
User Administration
Change Password
Change Profile
Reports
View Reports

Initial Verification

Alien Number: Benefits: USDA Loan Guarantees

Initiated By: DCHA1612 Initiated On: 03/17/2006

Initial Verification Results

Last Name: First Name: DAVID

Middle Initial: A COA: IR7

Country: Country: Date of Birth: 01/27/1980

Date of Entry: 07/30/1996 EAD Expiration Date:

System Response: LAWFUL PERMANENT RESIDENT-EMPLOYMENT AUTHORIZED

Print Case Details Request Additional Verification Complete and Close Case

* = required entry

This is the COA code that Agency personnel should review to determine if the alien is qualified to receive Federal assistance.

Agency staff should compare the COA code to those in the tables below. If the code appears in the "Eligible for Benefits" table, print the case verification for the file and proceed with the loan guarantee.

Alien COA Codes ELIGIBLE for Benefits

A11	B16	C25	CU7	E19	EW5	FX1	HK1	IR5	R52	SE3	SD3	T58
A12	B17	C26	CX1	E21	EW8	FX2	HK2	IR6	R53	SE6	SM0	W16
A16	B20	C27	CX2	E22	EW9	FX3	HK3	IR7	R56	SE7	SM1	W26
A17	B21	C28	CX3	E23	F11	FX6	HK6	IR9	R57	SE8	SM2	W36
A31	B22	C29	CX6	E26	F12	FX7	HK7	IW1	R58	SF1	SM3	W46
A32	B23	C31	CX7	E27	F16	FX8	HK8	IW2	R86	SF2	SM4	XB3
A33	B24	C32	CX8	E28	F17	GA6	I51	IW6	RE	SF6	SM5	XE3
A36	B25	C33	DS1	E30	F20	GA7	I52	IW7	RE5	SF7	SM6	XF3
A37	B26	C36	DT1	E31	F21	GA8	I53	LA6	RE6	SG1	SM7	XN3
A38	B27	C37	DT2	E32	F22	HA6	I56	LB1	RE7	SG2	SM8	XR3
AA1	B28	C38	DT3	E34	F23	HA7	I57	LB2	RE8	SG6	SM9	Y64
AA2	B29	C51	DT6	E35	F24	HA8	I58	LB6	RE9	SG7	SN1	Z03
AA3	B31	C52	DT7	E36	F25	HA9	IB0	LB7	RF	SH1	SN2	Z13
AA6	B32	C53	DT8	E37	F26	HB6	IB1	M83	RN6	SH2	SN3	Z14
AA7	B33	C56	DV1	E39	F27	HB7	IB2	M93	RN7	SH6	SN4	Z15
AA8	B36	C57	DV2	E51	F28	HB8	IB3	MR0	S13	SH7	SN6	Z33
AM1	B37	C58	DV3	E52	F29	HB9	IB5	MR6	S16	SJ2	SN7	Z43
AM2	B38	CB1	DV6	E53	F31	HC6	IB6	MR7	S26	SJ6	SN8	Z56
AM3	BX1	CB2	DV7	E56	F32	HC7	IB7	NA3	SC1	SJ7	SN9	Z66
AM6	BX2	CB6	DV8	E57	F33	HC8	IB8	NC6	SC2	SK1	SR2	Z83
AM7	BX3	CB7	E10	E58	F36	HC9	IC6	NC7	SC6	SK2	SR3	
AM8	BX6	CF1	E11	EC6	F37	HD6	IC7	NC8	SC7	SK3	SR6	
AR1	BX7	CF2	E12	EC7	F38	HD7	IF1	NC9	SD1	SK4	SR7	
AR6	BX8	CH6	E13	EC8	F41	HD8	IF2	NP8	SD3	SK6	SR8	
AS6	C20	CR1	E14	ES1	F42	HD9	IR0	NP9	SD6	SK7	T51	
AS7	C21	CR2	E15	ES6	F43	HE6	IR1	PH6	SD7	SK8	T52	
AS8	C22	CR6	E16	EW0	F46	HE7	IR2	R2	SD8	SK9	T53	
B11	C23	CR7	E17	EW3	F47	HE8	IR3	R3	SE1	SL1	T56	
B12	C24	CU6	E18	EW4	F48	HE9	IR4	R51	SE2	SL6	T57	

The following table represents COA codes that are either inconclusive or which indicate the applicant is not a qualified alien. In these cases, the loan should not be guaranteed without additional documentation that establishes the alien is qualified to receive Federal assistance. The alien should submit at least one of the items described in the section below named “Documentation that a Non-Citizen is a Qualified Alien.” If the alien is not able to submit such documentation, they have not established they are a qualified alien and a Loan Note Guarantee should not be issued.

Table of Other Alien COA Codes

991	BC3	DE	EX7	H1C	IT3	N3	NT8	R52	S2D	SL6	T43	TW2
992	BC6	DEC	EX8	H2	IT6	N4	O1	R53	SB1	SO1	T46	TW3
993	BC7	DT1	EXC	H3	IT7	N5	O2	R56	SC1	SO2	T47	U1
994	BC8	DT2	EXP	H4	IT8	N6	O3	R57	SC2	SU0	TA	U2
999	BCC	DT3	F1	H2B	J1	N7	OP	R58	SC6	SU2	TB	U3
A1	BCD	DT4	F2	H2R	J2	N8	P1	RAD	SC7	SU6	TC	U4
A2	BE	DT5	F3	HK1	K1	N9	P2	RE1	SD1	SU7	T48	U5
A3	C1	DT6	FFD	HK2	K2	N51	P3	RE2	SD2	SU8	T1D	UN
ABD	C2	DT7	FFG	HK3	K3	N52	P4	RE3	SD3	SU9	T2D	UU
ABS	C3	DT8	FFP	HK6	K4	N53	PAC	RE4	SD6	SY6	T3D	V1
AO	C4	DX	FFW	HK7	L1	N56	PEN	REC	SD7	SY7	TC1	V2
AS	CC	E1	FUG	HK8	L2	N57	PL1	REM	SD8	SY8	TC2	V3
AS1	CH	E2	G1	HR 2267	LE1	N58	PL2	REP	ST0	T1	TD	W1
AS2	CP	E3	G2	I1	LE2	NATO1	Q1	RN6	ST6	T2	TF1	W2
AS3	CS1	EF	G3	I51	LPR	NATO2	Q2	RN7	ST7	T3	TF2	W1
ASD	CS2	EP	G4	I52	LU1	NATO3	PL2	RW	ST8	T4	TN	W1D
ASP	CS3	ER	G5	I53	LU2	NATO4	PR	S1	ST9	T5	TR	W2D
ASR	CSS	ERF	GB	I56	MI1	NATO5	Q1	S2	SDF	T21	TR1	W3D
AY1	D1	ERP	GR	I57	MI2	NATO6	Q2	S4	SE1	T22	TR2	WB
AY2	D2	ERR	GT	I58	MI3	NATO7	Q3	S8	SE2	T23	TR6	WD
AW	DA	EWI	H1	ID6	M11	NT1	R1	S9	SE3	T26	TR7	WR
B1	DAS	EX1	H1A	IJ	MI2	NT2	R5	S13	SE6	T27	TRM	WT
B2	DEP	EX2	H2A	IMM	MI3	NT3	R2	S16	SE7	T28	TS1	Z14
BC1	DHR	EX3	H1B	IT1	N1	NT6	R4	S26	SE8	T41	TS2	ZM1
BC2	DNA	EX6	H1B1	IT2	N2	NT7	R51	S1D	SL1	T42	TW1	ZM2

The SAVE screens provide the ability to “Request Additional Verification” as illustrated in the screen print below. If SAVE is unable to provide a COA code, Agency staff should refrain from clicking on the “Request Additional Verification” button without checking with the National Office first. There is an additional cost to “Request Additional Verification” and in most cases this option will not yield a better result than the first one. Frequently, aside from the additional cost, the “Request Additional Verification” function will only result in SAVE requesting that the alien documentation be mailed to CIS along with a CIS form. Agency staff should not use the “Request Additional Verification” function without first consulting with the National Office.

U.S. Citizenship and Immigration Services
WEB-1 Case Details

On-Line Resources | Tutorial | Return to Home

Case Verification Number: 2006193085452WB

Case Administration

- Initial Verification
- Additional Verification
- View Cases

User Administration

- Change Password
- Pwd Challenge Q&A
- Change Profile

Reports

- View Reports

Initial Verification

Alien Number: 683122579 Benefits: USDA Loan Guarantees

Initiated By: TREMOLS2 Initiated On: 07/12/2006

Initial Verification Results

Last Name: First Name:

Middle Initial: COA:

Country: Date of Birth:

Date of Entry: EAD Expiration Date:

System Response: INSTITUTE ADDITIONAL VERIFICATION

Print Case Details Request Additional Verification Complete and Close Case

Do not "Request Additional Verification" without checking with the National Office first.

* = required entry

The Agency should rely on the COA code returned by the first submission to SAVE. On occasion, a SAVE user may receive a COA code that is not mentioned in this AN. In such cases, the SAVE user should contact the National Office for further assistance.

In all cases, non-citizens legally admitted into the United States will have an Alien Identification Number. In the rare occasion where a number is not available or known, the **applicant** should contact the CIS. There are cases where an alien has been legally in the US for a long period of time, and the Department of Homeland Security has supplied them with a number, but the alien did not ever receive or has misplaced the number.

As mentioned above, approved lenders should obtain proof of identity and evidence that non-citizens who apply for a guaranteed loan are qualified aliens. If the lender has done so and supplies Agency personnel with an Alien Identification Number, Agency staff should attempt using SAVE to verify a non-citizens immigration status in the United States. The following documentation, however, may also be obtained to verify whether the alien is a qualified alien, or in cases where the SAVE feedback was inconclusive.

Documentation that a Non-Citizen is a Qualified Alien

Any of the following documents are acceptable evidence of eligible immigration status:

1. CIS Form I-551, "Alien Registration Receipt Card" (for permanent or conditional resident aliens);
2. In some cases, the CIS will stamp a page of the alien's passport with the following information:

PROCESSED FOR I-551
TEMPORARY EVIDENCE OF
LAWFUL ADMISSION FOR
PERMANENT RESIDENCE
VALID UNTIL _____
EMPLOYMENT AUTHORIZED

In these cases, the CIS official will handwrite the expiration date of the stamp in the blank space after the words “valid until”, and may also handwrite the date of issuance above the stamp.

Whenever this documentation is submitted as evidence of qualified alien status, a copy of the passport, including the stamped page, should be sent to the nearest CIS District Office along with CIS Form G-845S, “Document Verification Request.” The CIS will return CIS Form G-845S to the requesting office with an indication whether the document is valid and relates to a permanent or conditional resident alien. CIS Form G-845S is available online at the following address:

<http://uscis.gov/graphics/formsfee/forms/files/g-845s.pdf>

3. CIS Form 1-688B, “Employment Authorization Card,” which must be annotated “Provision of Law” followed by one of the provisions listed below:
 - 274a.12(c)(11),
 - 274a.12(a)(1),
 - 274a.12(a)(3),
 - 274a.12(a)(4),
 - 274a.12(a)(5),
 - 274a.12(a)(10).
4. CIS Form I-766, “Employment Authorization Document” annotated as follows:
 - A3, or
 - A5, or
 - A10.
5. CIS Form I-571, “Refugee Travel Document”;
6. CIS Form 1-94, Arrival-Departure Record, with one of the following annotations:
 - “Admitted as Refugee Pursuant to Section 207”;
 - “Section 208” or “Asylum”;
 - “Section 243(h)” or “Deportation stayed by Attorney General”;
 - “Paroled Pursuant to Section 212(d)(5) of the INA”;
 - “Admitted under Section 203(a)(7) of the INA.”
7. If Form 1-94 is not annotated, it will still be acceptable evidence of eligible immigration status if it is accompanied by one of the following documents:
 - A final court decision granting asylum (but only if no appeal is taken);

- A letter from a CIS asylum officer granting asylum (if application is filed on or after October 1, 1990) or from a CIS district director granting asylum (if application was filed before October 1, 1990);
 - A court decision granting withholding of deportation; or
 - A letter from an asylum officer granting withholding of deportation (if application filed on or after October 1, 1990).
8. A receipt issued by the CIS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and the applicant's entitlement to the document has been verified; or
 9. Other acceptable evidence. If other documents are determined by the CIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register.

If the documentation described above appears to be altered or counterfeit, or if the alien presents unfamiliar CIS documentation, the Agency should complete CIS Form G-845S, "Document Verification Request," and forward it to the nearest CIS District Office for review. A copy of CIS Form G-845S is available on the internet at the following location <http://uscis.gov/graphics/formsfee/forms/files/g-845s.pdf>. Fully readable copies (front and back) of the original immigration documents should be attached to the CIS Form G-845S when it is submitted to the CIS District Office. The original documents should be returned to the non-citizen. There is a 10 business day CIS processing period. The location of CIS District Offices is available on the internet at <http://uscis.gov/graphics/fieldoffices/index.htm>.

Documentation for Native Americans in the United States under the Jay Treaty

In addition to the categories of qualified aliens described above, Native Americans born in Canada may also be eligible as lawfully admitted for permanent residence under RD Instruction 1980-D, section 1980.346. They might not possess any of the documentation described above, and the Agency might not be able to verify their status through SAVE. To establish that they are a qualified alien, the Native American should provide **all** of the documentation listed below, as described in the Wabanaki Legal News. The Wabanaki Legal News is available on the internet at <http://www.ptla.org/wabanaki/jaytreaty.htm>.

- A letter from their Native American tribe stating that the alien has at least 50 percent Native American or Aboriginal blood (also referred to as the blood quantum);
- Their Canadian "Certificate of Indian Status Card" with a red stripe along the top;
- Their birth certificate;
- If an Haudenosaunee, their Red I.D. Card;
- If an Inuit, an Inuit enrollment card from one of the regional Inuit lands claim agreements;
- Their Social Security Card issued by the U.S. Social Security Administration;
- Their Canadian or U.S. driver license.

Should there be any comments or questions concerning this AN, please contact Joaquín Tremols or David Chaput at (202) 720-1452. Their respective email addresses are joaquin.tremols@wdc.usda.gov and david.chaput@wdc.usda.gov.